

FISCAL YEAR 2023

MARK UP

PUBLIC DEFENDER

HOUSE BILL 3012

**101st General Assembly
Second Regular Session**

Prepared by Senate Appropriations Committee Staff

OFFICE OF PUBLIC DEFENDER

Section 12.400 – Director’s Office/Legal Services

Page 11

The Director’s Office is responsible for centralized administration and coordination of resources, planning functions, fiscal processing, personnel functions, data processing support, conflict case transfers, collection of lien and recoupment monies and other support functions.

Legal Basis: Chapter 600, RSMo.
Funding Source: General Revenue (0101)
FY 2022 GR W/H: \$0

CORE ADJUSTMENTS:

DEPARTMENT:

Core reduction: (\$162,855) GR E&E reduction of one-time funding added in the FY 2022 budget for equipment purchases for constitutionally mandated and parole representation

GOVERNOR:

Same as Department – no additional core changes

HOUSE:

Same as Department – no additional core changes

SENATE:

CONFERENCE:

Committee Markup Annual				HB 3012 - PUBLIC DEFENDER						Regular House Bills		
FY 2021 BUDGET		FY 2021 ACTUAL		FY 2022 BUDGET		FY 2023 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400 OFFICE OF THE DIRECTOR - 15111C												
CORE												
PERSONAL SERVICES	35,558,116	613.13	35,007,730	610.03	39,476,166	670.13	39,476,166	670.13	39,476,166	670.13	39,476,166	670.13
GENERAL REVENUE	35,558,116	613.13	35,007,730	610.03	39,476,166	670.13	39,476,166	670.13	39,476,166	670.13	39,476,166	670.13
EXPENSE & EQUIPMENT	8,700,240	0.00	9,250,396	0.00	9,231,969	0.00	9,069,114	0.00	9,069,114	0.00	9,069,114	0.00
GENERAL REVENUE	8,700,240	0.00	9,250,396	0.00	9,231,969	0.00	9,069,114	0.00	9,069,114	0.00	9,069,114	0.00
TOTAL	\$44,258,356	613.13	\$44,258,126	610.03	\$48,708,135	670.13	\$48,545,280	670.13	\$48,545,280	670.13	\$48,545,280	670.13
Pay Plan - 0000012												
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	0	0.00	2,228,070	0.00	2,228,070	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	0	0.00	2,228,070	0.00	2,228,070	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$2,228,070	0.00	\$2,228,070	0.00
Full year funding for the pay plan proposed to begin February 1, 2022 pending approval of the emergency supplemental by the General Assembly.												
Pay Plan FY22-Cost to Continue - 0000013												
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	390,854	0.00	390,854	0.00	390,854	0.00

Committee Markup Annual	HB 3012 - PUBLIC DEFENDER										Regular House Bills	
	FY 2021 BUDGET		FY 2021 ACTUAL		FY 2022 BUDGET		FY 2023 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
OFFICE OF THE DIRECTOR - 15111C												
Pay Plan FY22-Cost to Continue - 0000013												
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	390,854	0.00	390,854	0.00	390,854	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	390,854	0.00	390,854	0.00	390,854	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$390,854	0.00	\$390,854	0.00	\$390,854	0.00
The FY 2022 budget includes appropriation authority for a 2% pay increase for employees beginning January 1, 2022. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding in FY 2023.												
Non-Attorney Support Staff - 1151001												
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	1,402,920	36.00	467,640	12.00	467,640	12.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	1,402,920	36.00	467,640	12.00	467,640	12.00
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	367,938	0.00	122,646	0.00	122,646	0.00
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	367,938	0.00	122,646	0.00	122,646	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$1,770,858	36.00	\$590,286	12.00	\$590,286	12.00
Currently, MSPD has one investigator for every eight attorneys and one support staff member for every three attorneys. As a result, attorneys are often called upon to perform secretarial, administrative and investigative work. Cases are delayed in the court system as the limited support staff obtain applications for services, police investigation documents and medical and mental health treatment records and perform essential investigation. By increasing MSPD support staff we can decrease the delays, which are detrimental not only to the defendant, but also to the State, the courts and the complaining witnesses.												
TOTAL - OFFICE OF THE DIRECTOR	\$44,258,356	613.13	\$44,258,126	610.03	\$48,708,135	670.13	\$50,706,992	706.13	\$51,754,490	682.13	\$51,754,490	682.13

OFFICE OF PUBLIC DEFENDER

Section 12.400 cont. – Extraordinary Expenses and Conflict Cases

Page 35

This section provides funding for three main types of expenses: payments of expenses associated with the defense or violent crimes, litigation expenses exceeding \$500, and expenses of contracting with private counsel in conflict cases.

Legal Basis: Chapter 600, RSMo.
Funding Source: General Revenue (0101)
FY 2022 GR W/H: \$0

CORE ADJUSTMENTS:

DEPARTMENT:

No core changes

GOVERNOR:

No core changes

HOUSE:

No core changes

SENATE:

CONFERENCE:

Committee Markup Annual	HB 3012 - PUBLIC DEFENDER												Regular House Bills
	FY 2021		FY 2021		FY 2022		FY 2023		GOV AS		HOUSE		
	BUDGET		ACTUAL		BUDGET		DEPT REQ		AMENDED REC		RECOMMENDED		
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
EXTRAORDINARY EXPENSE/CONFLIC - 15151C													
CORE													
EXPENSE & EQUIPMENT	4,721,071	0.00	4,720,901	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	
GENERAL REVENUE	4,721,071	0.00	4,720,901	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	
TOTAL	\$4,721,071	0.00	\$4,720,901	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	
TOTAL - EXTRAORDINARY EXPENSE/CONFLI	\$4,721,071	0.00	\$4,720,901	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	

OFFICE OF PUBLIC DEFENDER

Section 12.400 cont. – Legal Defense and Defender Fund

Page 41

This section includes funding for personal services and expense and equipment requested and recommended from the Legal Defense Fund (funds collected from the indigent).

Legal Basis: Chapter 600, RSMo.
Funding Source: Legal Defense and Defender Fund (0670)
FY 2022 GR W/H: N/A

CORE ADJUSTMENTS:

DEPARTMENT:

No core changes

GOVERNOR:

No core changes

HOUSE:

No core changes

SENATE:

CONFERENCE:

Committee Markup Annual

HB 3012 - PUBLIC DEFENDER

Regular House Bills

Committee Markup Annual

	FY 2021 BUDGET		FY 2021 ACTUAL		FY 2022 BUDGET		FY 2023 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
LEGAL DEFENSE & DEFENDER FUND - 15141C												
CORE												
PERSONAL SERVICES	140,943	2.00	140,943	1.99	142,353	2.00	142,353	2.00	142,353	2.00	142,353	2.00
OTHER FUNDS	140,943	2.00	140,943	1.99	142,353	2.00	142,353	2.00	142,353	2.00	142,353	2.00
EXPENSE & EQUIPMENT	2,345,006	0.00	1,104,711	0.00	2,456,256	0.00	2,481,256	0.00	2,481,256	0.00	2,481,256	0.00
OTHER FUNDS	2,345,006	0.00	1,104,711	0.00	2,456,256	0.00	2,481,256	0.00	2,481,256	0.00	2,481,256	0.00
PROGRAM-SPECIFIC	250,000	0.00	58,009	0.00	150,000	0.00	125,000	0.00	125,000	0.00	125,000	0.00
OTHER FUNDS	250,000	0.00	58,009	0.00	150,000	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL	\$2,735,949	2.00	\$1,303,663	1.99	\$2,748,609	2.00	\$2,748,609	2.00	\$2,748,609	2.00	\$2,748,609	2.00

Pay Plan - 0000012													
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	0	0.00	7,907	0.00	7,907	0.00	
OTHER FUNDS	0	0.00	0	0.00	0	0.00	0	0.00	7,907	0.00	7,907	0.00	
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00	\$7,907	0.00	\$7,907	0.00	
Full year funding for the pay plan proposed to begin February 1, 2022 pending approval of the emergency supplemental by the General Assembly.													

Pay Plan FY22-Cost to Continue - 0000013													
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	1,410	0.00	1,410	0.00	1,410	0.00	

Committee Markup Annual	HB 3012 - PUBLIC DEFENDER										Regular House Bills	
	FY 2021 BUDGET		FY 2021 ACTUAL		FY 2022 BUDGET		FY 2023 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
LEGAL DEFENSE & DEFENDER FUND - 15141C												
Pay Plan FY22-Cost to Continue - 0000013												
PERSONAL SERVICES	0	0.00	0	0.00	0	0.00	1,410	0.00	1,410	0.00	1,410	0.00
OTHER FUNDS	0	0.00	0	0.00	0	0.00	1,410	0.00	1,410	0.00	1,410	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$1,410	0.00	\$1,410	0.00	\$1,410	0.00
The FY 2022 budget includes appropriation authority for a 2% pay increase for employees beginning January 1, 2022. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding in FY 2023.												
Increased Spending Authority - 1151002												
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	712,582	0.00	712,582	0.00	712,582	0.00
OTHER FUNDS	0	0.00	0	0.00	0	0.00	712,582	0.00	712,582	0.00	712,582	0.00
PROGRAM-SPECIFIC	0	0.00	0	0.00	0	0.00	37,418	0.00	37,418	0.00	37,418	0.00
OTHER FUNDS	0	0.00	0	0.00	0	0.00	37,418	0.00	37,418	0.00	37,418	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$750,000	0.00	\$750,000	0.00	\$750,000	0.00
Collections from Public Defender clients continue to increase. This includes fees owed that are intercepted by the Department of Revenue's debt offset program. A corresponding increase in the Legal Defense and Defender Fund spending authority appropriation is required.												
TOTAL - LEGAL DEFENSE & DEFENDER FUN	\$2,735,949	2.00	\$1,303,663	1.99	\$2,748,609	2.00	\$3,500,019	2.00	\$3,507,926	2.00	\$3,507,926	2.00

OFFICE OF PUBLIC DEFENDER

Section 12.400 cont. – Debt Offset Escrow

Page 61

This section authorizes State Public Defender to intercept Missouri State Income Tax refund checks due to individuals who owe the Missouri State Public Defender System monies for representation.

Legal Basis: Chapter 600, RSMo.
Funding Source: Debt Offset Escrow Fund (0753)
FY 2022 GR W/H: N/A

CORE ADJUSTMENTS:

DEPARTMENT:

No core changes

GOVERNOR:

No core changes

HOUSE:

No core changes

SENATE:

CONFERENCE:

Committee Markup Annual			HB 3012 - PUBLIC DEFENDER								Regular House Bills		
FY 2021 BUDGET			FY 2021 ACTUAL		FY 2022 BUDGET		FY 2023 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED		
DOLLAR	FTE		DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
HOUSE BILL SECTION 12.400													
DEBT OFFSET ESCROW FUND - 15161C													
CORE													
FUND TRANSFERS	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	
OTHER FUNDS	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	1,700,000	0.00	
TOTAL	\$1,700,000	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$1,700,000	0.00	
Debt Offset Increased Transfer - 1151004													
FUND TRANSFERS	0	0.00	0	0.00	0	0.00	750,000	0.00	750,000	0.00	750,000	0.00	
OTHER FUNDS	0	0.00	0	0.00	0	0.00	750,000	0.00	750,000	0.00	750,000	0.00	
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$750,000	0.00	\$750,000	0.00	\$750,000	0.00	
When MSPD fees are intercepted from prior client's Missouri State Income Tax refunds, the Department of Revenue places the intercepted dollars in a temporary escrow fund. MSPD's FY2021 appropriation (spending authority) from this fund is currently set at \$1,700,000. Intercepts in FY2021 exceeded that amount and are projected to do so in the future. This increase will address the appropriation's current insufficiency.													
TOTAL - DEBT OFFSET ESCROW FUND	\$1,700,000	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$2,450,000	0.00	\$2,450,000	0.00	\$2,450,000	0.00	

OFFICE OF PUBLIC DEFENDER

Section 12.400 cont. – Grants

Page 73

This section provides appropriation authority if grants are received from the federal government.

Legal Basis: Chapter 600, RSMo.

Funding Source: Federal Funds (0112)

FY 2022 GR W/H: N/A

CORE ADJUSTMENTS:

DEPARTMENT:

No core changes

GOVERNOR:

No core changes

HOUSE:

No core changes

SENATE:

CONFERENCE:

Committee Markup Annual	HB 3012 - PUBLIC DEFENDER										Regular House Bills	
	FY 2021 BUDGET		FY 2021 ACTUAL		FY 2022 BUDGET		FY 2023 DEPT REQ		GOV AS AMENDED REC		HOUSE RECOMMENDED	
	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
HOUSE BILL SECTION 12.400												
GRANTS - 15131C												
CORE												
EXPENSE & EQUIPMENT	0	0.00	25,000	0.00	0	0.00	0	0.00	0	0.00	0	0.00
FEDERAL FUNDS	0	0.00	25,000	0.00	0	0.00	0	0.00	0	0.00	0	0.00
PROGRAM-SPECIFIC	625,000	0.00	74,000	0.00	625,000	0.00	625,000	0.00	625,000	0.00	625,000	0.00
FEDERAL FUNDS	625,000	0.00	74,000	0.00	625,000	0.00	625,000	0.00	625,000	0.00	625,000	0.00
TOTAL	\$625,000	0.00	\$99,000	0.00	\$625,000	0.00	\$625,000	0.00	\$625,000	0.00	\$625,000	0.00
Statutory Language Change - 1151003												
EXPENSE & EQUIPMENT	0	0.00	0	0.00	0	0.00	500,000	0.00	500,000	0.00	500,000	0.00
FEDERAL FUNDS	0	0.00	0	0.00	0	0.00	500,000	0.00	500,000	0.00	500,000	0.00
TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$500,000	0.00	\$500,000	0.00	\$500,000	0.00
MSPD is requesting \$500,000 to increase spending authority should federal funds, gifts, or other funds become available during Fiscal Year 2023. Funds would be used at the discretion of the Director or the State Public Defender Commission for the operation of the department, including, but not limited to, training, legal research, one-time equipment purchases, office moves, private attorney fees or other critical needs. MSPD plans to pursue a statutory language to allow monies to be deposited into the fund from which this item would be appropriated.												
TOTAL - GRANTS	\$625,000	0.00	\$99,000	0.00	\$625,000	0.00	\$1,125,000	0.00	\$1,125,000	0.00	\$1,125,000	0.00